

SENATE NO. 1100

AN ACT RELATIVE TO WORKER'S COMPENSATION

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Subsection (2) of section 25C of chapter 152 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by inserting after the first paragraph the following
3 paragraph:-

4 Following any hearing in which the Commissioner or his designee has concluded that an
5 employer has not provided for all insurance or self insurance required by this chapter, the
6 commissioner, may at his discretion, reduce the amount of said fines to an amount not lower than \$250
7 if the investigation or hearing determines one or more of the following factors: (a) imposition of the
8 total fine would have a severe negative impact on the cash flow or financial stability of said business;
9 or (b) weekends and holidays interrupted the ability to secure coverage in a more timely fashion; or (c)
10 the business was unable to secure voluntary coverage, thus delaying their application to the
11 Massachusetts Workers' Compensation Assigned Work Pool for coverage; or (d) the amount of annual
12 premium for worker's compensation coverage is less than the amount of fines imposed by the
13 department under the stop work order.

14 SECTION 2. Section 75A of said chapter 152 is hereby amended by inserting after the word
15 "available", in line 6, the following words:- and provided further, that such person has not been

16 employed by any other employer for a period exceeding six months since the date such compensable
17 injury occurred.

18 SECTION 3. Subsection (4) of section 1 of said chapter 152 is hereby amended by inserting
19 after the third paragraph the following paragraph:-

20 The provisions of this chapter shall remain elective as to corporate officers, regardless of their
21 duties.

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